

WASHIZUKA et al.
Serial No. 09/675,252
Response to Office Action dated December 6, 2004

Remarks

Reconsideration and allowance of the subject patent application are respectfully requested.

Applicants' representative wishes to thank Examiner Patel for the courtesy extended during the interview on March 1, 2005. The substance of this interview is reflected in the remarks below.

Claim 16 was rejected under 35 U.S.C. Section 112, second paragraph, as allegedly being indefinite. Claim 16 was further rejected under 35 U.S.C. Section 101 as allegedly being directed to non-statutory subject matter. At the interview, it was agreed that amending claim 16 as set forth herein would overcome the Section 112, second paragraph, and Section 101 rejections of claim 16. As such, withdrawal of these rejections is respectfully requested.

Claims 6-14 were rejected under 35 U.S.C. Section 112, second paragraph, as allegedly being indefinite. These claims have been amended in accordance with the discussion at the aforementioned interview and withdrawal of the Section 112, second paragraph, rejection is respectfully requested.

Claims 2-15, 17, 19, 20 and 22-27 were rejected under 35 U.S.C. Section 102(b) as allegedly being anticipated by Walker *et al.* (U.S. Patent No. 5,794,207). Applicants traverse this rejection.

As discussed at the interview, the central controller of Walker *et al.* does not constitute a reconciliation unit that, in the context of the claims, provides sellers with credit data that guarantees payment by the reconciliation unit for a product or service provided to a buyer. As described on page 7 of the subject application in connection with a non-limiting, illustrative example embodiment:

... the reconciling means creates credit data which guarantees account reconciliation by the reconciling means, and transactions and account reconciliation of products or services are carried out based on the credit data, thereby making it possible to carry out transactions and account reconciliation without a credit card which guarantees the identity and credit of the buyer. Accordingly, the buyer is not required to have a credit card. Further, from the suppliers' stand point, since account reconciliation of transactions is guaranteed by the reconciling means even when products or services were ordered from a

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buyer whose identity and credit history are unknown, the supplier can supply the products or services to the buyer with confidence.

Walker *et al.* discloses a commercial network system for posting conditional purchase offers, making them available to potential sellers, and allowing sellers to bind the offers to form a legally binding contract.

What the present invention accomplishes, which no previous system has done before, is literally to hang buyer money on a "clothesline" for sellers to see. Attached to the money is a note describing what the seller has to agree to do in order to take the money down off the clothesline. There is no uncertainty or waste of time on the part of the seller. He knows that if he can meet the conditions set forth by the buyer, he can immediately close the sale and get paid for it. No hassles. No negotiations.

Walker *et al.*, col. 10, lines 30-39. While the central controller 200 is arranged between a seller terminal and a buyer terminal (*see, e.g.*, Figure 1), there is no description in Walker *et al.* in which the central controller 200 provides credit data to a seller (or supplier) to guarantee payment for goods or services by the central controller 200 prior to the seller (or supplier) providing goods or services. Consequently, Walker *et al.* does not disclose a reconciliation unit or an account reconciliation server as described in independent claims 16, 17, 19, 20, 21, 22 and 23 and does not anticipate these claims or the claims that depend therefrom.

In connection, for example, with the "credit data" of claim 17, the office action references the discussion in Walker *et al.* at col. 12, lines 35-46 which relates to mainly to the processing of credit card transactions by the payment processor 230 of the central controller 200. However, there is no disclosure in this portion of Walker *et al.* relating to, among other things, the central controller itself operating to guarantee payment to the seller using "credit data."

Claims 24-27 have been amended to describe that the seller terminal and the buyer terminal include short-distance communication circuitry. This feature is described with reference to non-limiting, illustrative example embodiments in Figures 2 and 3 and the accompanying description. Walker *et al.* fails to disclose a seller terminal or a buyer terminal provided with short-distance communication circuitry as specified in claims 24-27.

New claim 28 has been added. The subject matter of this new claim is fully supported by the original disclosure and no new matter is added. Walker *et al.* fails to disclose, among other

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things, the sending and/or receiving of credit data, delivery list data, acknowledgement data and payment data as described by the method of claim 28.

The pending claims are believed to be in condition for allowance and favorable office action is respectfully requested.

Respectfully submitted,
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